

Notice of Allowability

Application No.

09/813,669

Examiner

Russell Frejd

Applicant(s)

MCDONALD ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment received 20 December 2004.
2. ☒ The allowed claim(s) is/are 1,2 and 4-13.
3. ☒ The drawings filed on 01 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Russell Frejd
RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: McDonald et al.

Allowance of Application # 09/813,669

1. The following communication is in response to applicant's amendment received 20-December-2004.

Examiner's Amendment

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R.

1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

2.1 In the Specification: (as per applicant's amendments received 20 December 2004)

Page 3 line 11 Change "090/813,667" to --09/813,667--.

Page 14 line 20 Change "09/813,667:" to --09/813,667)--.

Page 15 line 20 Change "09/813,667:" to --09/813,667)--.

2.2 In the Claims: (as per applicant's amendments received 20 December 2004)

Claim 1, lines 5, 10-11, 12-13, and 30; and claim 11, lines 20-21: Change "Application Solution Delivery Configurator" to --Application Delivery Solution Configurator--.

Claim 1, line 6: Change "Servo" to --Server--.

Claim 1, line 7: Change "a Configurator Template Database" to --, a Configuration Database Template--.

Claim 1, line 8 Add --a-- before "Configuration".

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Claim 1, lines 35-36 Change "Configuration Database" to –Configuration Session Database--.

Claim 5, lines 5-6 Change "Application Solution Configurator" to –Application Delivery Solution Configurator--.

Reasons for Allowance

3. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the invention described in U.S. Patent No. 5,668,995 to Bhat, the improvement comprising a Thin Client Sizing Tool for configuring one or more Server Farms which optimize a network suitable for an enterprise supporting a given customer profile, wherein an Application Delivery Solution Configurator accesses information from a plurality of databases, and establishes the memory requirements for the Farm configuration. This patentable distinction is included in each of the independent claims, nos. 1, 10 and 11. The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <Application Delivery Solution Configurator for determining server Farm memory requirements> having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 6, line 1 through page 32, line 6, and Figures 1a-2. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

Response Guidelines

4. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the

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Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

4.1 Any response to the Examiner in regard to this allowance should be

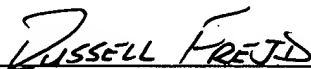
directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

mailed to: Commissioner of Patents and Trademarks
P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

Date: 16-May-2005



**RUSSELL FREJD
PRIMARY EXAMINER**